

BEST AVAILABLE COPY

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Zvi FELDMAN, *et al.*

Application No.: 09/991,870

Filing Date: November 26, 2001

For: COMPUTER-CONTROLLED MILLING
MACHINE FOR PRODUCING LENSES FOR
CLIP-ON ACCESSORY

Group Art Unit: 3722

Examiner: E. Cadugan

Commissioner for Patents
Washington, D.C. 20231

COMMENTS ON STATEMENT OF REASONS FOR ALLOWANCE
PURSUANT TO 37 C.F.R. § 1.104(e)

Sir:

In response to the Statement of Reasons for Allowance in paragraph 3 of the Examiner's Amendment and Notice of Allowability dated May 2, 2003 and issued May 5, 2003, Applicants submit the following comments.

Paragraph 3 of the Examiner's Amendment is the Examiner's Statement of Reasons for Allowance. The Examiner states, "U.S. Patent No. 3,587,390 (Lohneis et al.) is representative of the closest prior art of record to the presently-claimed invention. . . . However, Lohneis does not teach the claimed 'means adapted for maintaining the worktable in a set position' as set forth in the present specification . . . Additionally, there is no teaching of such a 'means adapted for maintaining the worktable in a set position' in the prior art of record to combine with Lohneis to arrive at the invention as set forth in independent claims 6 and 18."

Applicants believe that the Statement of Reasons for Allowance in this case is improper because Lohneis, while characterized as the "closest prior art of record" does not disclose a machine for shaping a blank to create a filter lens, which includes a drill bit unit provided with a rotatable drill bit as claimed in the present application. While Applicants believe that all of the claims are allowable and patentably distinguish over the art of record, Applicants do not acquiesce that patentability resides only in each of the listed features (exactly as expressed in the claims), nor that each and every feature is required for patentability.

EXCEPT for issue fees payable under 37 C.F.R. 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. 1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account 50-0310. This paragraph is intended to be a **CONSTRUCTIVE PETITION FOR EXTENSION OF TIME** in accordance with 37 C.F.R. 1.136(a)(3).

Respectfully submitted,

MORGAN, LEWIS & BOCKIUS LLP

By: Mary Jane Boswell
Mary Jane Boswell
Reg. No. 33,652

Dated: August 5, 2003
MORGAN, LEWIS & BOCKIUS LLP
1111 Pennsylvania Avenue, NW
Washington, DC 20004
(202) 739-3000
Customer No. 009629

BEST AVAILABLE COPY

PART B - FEE(S) TRANSMITTAL

Complete and send this form, together with applicable fee(s), to: **Mail** Box ISSUE FEE
 Commissioner for Patents
 Alexandria, Virginia 22313-1450
Fax (703)746-4000

INSTRUCTIONS: This form should be used for transmitting the ISSUE FEE and PUBLICATION FEE (if required). Blocks 1 through 4 should be completed where appropriate. All further correspondence including the Patent, advance orders and notification of maintenance fees will be mailed to the current correspondence address as indicated unless corrected below or directed otherwise in Block 1, by (a) specifying a new correspondence address; and/or (b) indicating a separate "FEE ADDRESS" for maintenance fee notifications.

CURRENT CORRESPONDENCE ADDRESS (Note: Legibly mark-up with any corrections or use Block 1)

09/629

7590

05/05/2003

MORGAN LEWIS & BOCKIUS LLP
 1111 PENNSYLVANIA AVENUE NW
 WASHINGTON, DC 20004



Note: A certificate of mailing can only be used for domestic mailings of the Fee(s) Transmittal. This certificate cannot be used for any other accompanying papers. Each additional paper, such as an assignment or formal drawing, must have its own certificate of mailing or transmission.

Certificate of Mailing or Transmission

I hereby certify that this Fee(s) Transmittal is being deposited with the United States Postal Service with sufficient postage for first class mail in an envelope addressed to the Box Issue Fee address above, or being facsimile transmitted to the USPTO, on the date indicated below.

(Depositor's name)
(Signature)
(Date)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/991,870	11/26/2001	Zvi Feldman	053332-5002	3265

TITLE OF INVENTION: COMPUTER-CONTROLLED MILLING MACHINE FOR PRODUCING LENSES FOR CLIP-ON ACCESSORY

APPLN. TYPE	SMALL ENTITY	ISSUE FEE	PUBLICATION FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	YES	\$650	\$300	\$950	08/05/2003

EXAMINER	ART UNIT	CLASS-SUBCLASS
CADUGAN, ERICA E	3722	029-02600A

1. Change of correspondence address or indication of "Fee Address" (37 CFR 1.363).

☐ Change of correspondence address (or Change of Correspondence Address form PTO/SB/122) attached.

☐ "Fee Address" indication (or "Fee Address" Indication form PTO/SB/47; Rev 03-02 or more recent) attached. Use of a Customer Number is required.

2. For printing on the patent front page, list (1) the names of up to 3 registered patent attorneys or agents OR, alternatively, (2) the name of a single firm (having as a member a registered attorney or agent) and the names of up to 2 registered patent attorneys or agents. If no name is listed, no name will be printed.

1. MORGAN, LEWIS &

2. BOCKIUS LLP

3.

3. ASSIGNEE NAME AND RESIDENCE DATA TO BE PRINTED ON THE PATENT (print or type)

PLEASE NOTE: Unless an assignee is identified below, no assignee data will appear on the patent. Inclusion of assignee data is only appropriate when an assignment has been previously submitted to the USPTO or is being submitted under separate cover. Completion of this form is NOT a substitute for filing an assignment.

(A) NAME OF ASSIGNEE

(B) RESIDENCE: (CITY AND STATE OR COUNTRY)

OPTI-CLIP INTERNATIONAL LLC

Boca Raton, Florida

Please check the appropriate assignee category or categories (will not be printed on the patent) ☐ individual ☒ corporation or other private group entity ☐ government

4a. The following fee(s) are enclosed:

☒ Issue Fee

☒ Publication Fee

☒ Advance Order - # of Copies -4-

4b. Payment of Fee(s):

☐ A check in the amount of the fee(s) is enclosed.

☐ Payment by credit card. Form PTO-2038 is attached.

☒ The Commissioner is hereby authorized by charge the required fee(s), or credit any overpayment, to Deposit Account Number 50-0310 (enclose an extra copy of this form) Any deficiencies

Commissioner for Patents is requested to apply the Issue Fee and Publication Fee (if any) or to re-apply any previously paid issue fee to the application identified above.

(Authorized Signature) Mary Jane Boswell (Date) 8/5/03
 Mary Jane Boswell Reg. No. 33,652

NOTE: The Issue Fee and Publication Fee (if required) will not be accepted from anyone other than the applicant, a registered attorney or agent, or the assignee or other party in interest as shown by the records of the United States Patent and Trademark Office.

This collection of information is required by 37 CFR 1.311. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, Alexandria, Virginia 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, Alexandria, Virginia 22313-1450.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

08/06/2003 STEUHEL2 00000076 500310 09991870

01 FC:2501 650.00 DA
 02 FC:1505 300.00 DA
 03 FC:8001 12.00 DA

TRANSMIT THIS FORM WITH FEE(S)